IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7503 of 2005

Between:

Ms. Ahmedi Sultana, D/o. Shaik Anwar,
R/o. 17-2-189, Chowni Nade Ali Baig, Yakutpura, Hyderabad.

..... PETITIONER

AND

1 Osmania University, Rep. by its Registrar,
Hyderabad./
2 National Council of Teacher Education, Rep. by its Secretary, Bangalore.
3 Moghul College of Education, Bandlaguda, Hyderabad Rep. by its Principal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, one more particularly in the nature of a Writ of "Mandamus" declaring the action of the 1st respondent in not issuing the Hall Ticket to the Petitioner and in preventing the Petitioner to attend the B.Ed Final Examinations as being illegal, arbitrary, unconstitutional apart from being without jurisdiction and consequently direct the respondents to issue the Hall ticket and permit the petitioner to appear for B.Ed Final Examinations and re-conduct the practical examinations pass such other order or further other or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR. S.NIRANJAN REDDY

Counsel for the Respondent No.1 : MR.DEEPAK BHATTACHARJEE

Counsel for the Respondent No.2 : Mr. B. Adinarayana Rao.

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7503 OF 2005

ORDER :

The petitioner appeared for EDCET-2003 and having successfully qualified, joined the third respondent College under the Management Quota in the B.Ed. course for the academic year 2003-04. She states that she has attended the classes regularly and while she was about to appear for the final examinations scheduled to be conducted from 6th April, 2005, the respondents 1 and 3 declined to issue the hall-ticket to her on the ground that she has not secured the required 45% of marks in the Degree. Aggrieved by the said action of the respondents 1 and 3, this writ petition is filed with the following prayer :

> *"…… to issue a Writ, order or direction, more particularly in the nature of a writ of "Mandamus" declaring the action of the 1st respondent in not issuing the Hall Ticket to the petitioner and in preventing the petitioner to attend B.Ed. Final Examinations as being illegal, arbitrary, unconstitutional apart from being without jurisdiction and consequently direct the respondents to issue the Hall Ticket and permit the petitioner to appear for B.Ed. Final Examinations and re-conduct the practical examinations pass such other order or further order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case."*

I have heard the learned Counsel for both the parties and perused the material on record.

It is to be noted that in exercise of the Rule Making Power conferred under A.P. Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983, Rules were made under G.O.Rt.No.169, Education Department, dated 5-2-2004 with regard to admission into B.Ed. course. As per Rule 7(c) of the said Rules which provides for eligibility criteria for admission into B.Ed. course, only those candidates who have passed the qualifying examination with an aggregate of 45% marks and above in Part-II i.e., Group Subjects alone are eligible for admission. The said requirement has also been specifically mentioned in the Instructions Booklet for Entrance Test relating to B.Ed. Regular Course supplied to the candidates along with the application form.

The petitioner does not dispute the fact that she has not secured 45% of marks in Part-II i.e, Group Subjects in the qualifying examination, but her contention is that she secured 45% aggregate marks in the Graduation and since as per the N.C.T.E. Norms the requisite percentage for admission into B.Ed. Course is 45% in aggregate, the respondents 1 and 3 ought to have allowed her to appear for the examinations.

The learned Counsel for the petitioner contends that the N.C.T.E. is the Supervisory Body prescribing Norms for Teacher Education including minimum eligibility criteria for admission and therefore the action of the 1st respondent University in insisting that the candidates should have secured 45% of marks in Part-II i.e., Group Subjects is arbitrary and illegal and contrary to the provisions of N.C.T.E. Act, 1993.

I am unable to agree with the said contention. As expressed above, the requirement under the Statutory Rules is that the candidate shall secure 45% marks and above in Part-II i.e., Group Subjects. The validity of the said Rule is not under challenge in this writ petition. Hence, the concerned institutions are bound to follow

the eligibility criteria as prescribed under the Statutory Rules. The mere fact that the petitioner was given admission does not give any vested right to her since her admission itself was contrary to the Statutory Rules. No Writ of Mandamus can be issued compelling the respondents 1 and 3 to act in contravention of the Statutory Rules and to allow the petitioner to appear for the examinations since evidently the petitioner has not secured aggregate of 45% marks in Group Subjects as required under Rule 7(c) of the Statutory Rules.

The Writ Petition is devoid of any merit and accordingly the same is dismissed. No costs.

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8TH April, 2005.

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To

1 The Registrar, Osmania University, Hyderabad..
2 The Secretary, National Council of Teacher Education, Bangalore.
3 The Principal, Moghul College of Education, Bandlaguda, Hyderabad.

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